

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-6440

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

DARRYL HAMLIN, a/k/a Daryl Hamlin,

Defendant - Appellant.

No. 02-6813

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

DARRYL HAMLIN, a/k/a Daryl Hamlin,

Defendant - Appellant.

Appeals from the United States District Court for the Eastern District of Virginia, at Alexandria. Leonie M. Brinkema, District Judge. (CR-00-136-A)

Submitted: July 25, 2002

Decided: August 1, 2002

Before WILKINS, MOTZ, and TRAXLER, Circuit Judges.

No. 02-6440 dismissed and No. 02-6813 affirmed by unpublished per curiam opinion.

Darryl Hamlin, Appellant Pro Se. James L. Trump, William Edward Fitzpatrick, OFFICE OF THE UNITED STATES ATTORNEY, Alexandria, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

In No. 02-6440, Darryl Hamlin seeks to appeal from the district court's denial of his September 2001, motion for leave to file a late appeal from his criminal judgment entered in September 2000. Because Hamlin's notice of appeal is untimely, we dismiss this appeal for lack of jurisdiction.

The time periods for filing notices of appeal are governed by Fed. R. App. P. 4. These periods are "mandatory and jurisdictional." United States v. Raynor, 939 F.2d 191, 197 (4th Cir. 1991). Defendants in criminal proceedings have ten days within which to file in the district court notices of appeal from judgments or final orders. Fed. R. App. P. 4(b). The only exceptions to the appeal period are when the district court extends the time to appeal "[u]pon a showing of excusable neglect." Id.

The district court's order denying Hamlin's motion to file a late appeal was entered on October 25, 2001; his notice of appeal was filed on March 4, 2002. Hamlin's failure to note a timely appeal or obtain an extension of the appeal period leaves this court without jurisdiction to consider the merits of his appeal. Accordingly, dismiss Appeal No. 02-6440 for lack of jurisdiction.

In No. 02-6813, Hamlin appeals from the district court's order denying his motions for transcripts and for discovery. We have reviewed the record and the district court's opinion and find no reversible error. Accordingly, we affirm on the reasoning of the

district court. See United States v. Hamlin, No. CR-00-136-A (E.D. Va. Apr. 26, 2002). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

No. 02-6440 - DISMISSED

No. 02-6813 - AFFIRMED